

Joe Hawkins _____

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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)	
)	
Application for Certification for the)	Docket No. 98-AFC-1c 98-AFC-3&
Delta Energy Center, Los Medonas)	00-AFC-1
Power Plant & Southern Unit 8)	From: <u>Joe Hawkins</u>
)	
_____)	REQUEST TO WITHDRAW

I, Joe Hawkins hereby request to withdraw from the above entitled proceedings.

The reasons:

1. This process is a joke!
2. My data requests are not going to be fulfilled and have not been filled in the past which shows it is a scam.
3. I am wasting my time when it is set up and everything I have presented is ignored and said to be hearsay.
4. I have evidence that I already submitted showing that while California was having rolling blackouts the ISO was selling to Nevada our electricity.
5. I have also come into position of documents that show Calpine is selling electricity to Mexico and Canada or has plans to do so and is using this City of Pittsburg to build major power plants so as to be able to export electricity. Which I will attach with this e-mail.
6. I have called for a FBI investigation and nothing has happened their concerning the dealings of All involved agencies and the power plants and ISO and etc. So apparently I feel the CEC is also a part of that conspiracy.
7. As I had to be a Intervener to participate I have lost my rights as a US and California Citizen in this process. It is contrary to the BAGLEY-KEENE OPEN MEETING ACT. According to that every one of my concerns was suppose to be thoroughly investigated and they are not by any agencies. Period.

8. I attended a Pittsburgh City Council Meeting and they have developed a Pittsburgh Power Company which is forcing Southern to allow Calpine to cross their property by using eminent domain which to me is illegal.
9. Calpine is planing on increasing from 84MMBTu to 300 MMBTu which is more than a 200% increase meaning more than 200% increase in pollution and according to their reply to Mike Boyd it will only amount to 19Mega watts of power. This is a sham!!! I feel that they are actually going to produce more than 50 Mega Watts for that much more increase and if not they should not be allowed to increase at all. In fact they never should have been approved just on the EJ issues alone.
10. I feel that all agencies could care less about the people in this area.
11. Also because of the way I have seen the CEC operate itself. For example, before running into me the CEC health expert, (Mike ?), did not know about Xenobiotics. Now he is claiming that chemicals in the body phase each other out, trying to justify multiple chemicals. In some cases that is correct except that what is left over of their components is far more dangerous than the actual chemicals themselves. But the fact that he is trying to subterfuge the public with that twisting of the true nature of the multiple chemical exposures is in itself evidence that the CEC and it s staff are not working for the public. This whole process is proof of that.
12. Also fuel cells are not even discussed in making electricity in all of this. See this web site to see information concerning them: <http://www.sunline.org/altfuels/h2ng.htm>
13. According to this site by adding a bit of hydrogen, Natural Gas will produce virtually no pollutants at: <http://www.sunline.org/altfuels/h2energ.htm>
14. I see this as a large step backwards in progress when we are using fossil fuels of any kind to produce electricity rather than natural renewable power production.
15. That these plants have to be permitted and so forth already shows they are major sources of pollution yet all agencies thank it is not that bad. Wrong!!!
16. That all the other power plants have shut down for upgrades and etc. at the time they are needed most shows that the power industry is manipulating control of supply and demand so as to make it look like these new power plants are needed.
17. San Diego area shows what is our real future in electricity costs to come. Which shows that Solar and wind is as competing as Natural Gas is yet that has seem to by passed your notice here. If this energy crunch is real then let the prices go up and provide subsidies to the residence for alternative renewable electricity production phasing out the polluting power plants all together. Provide low interest loans to the residences for purchasing systems that are grid connected and provide 125% of the residence needs. With extra financial help for the low income.
18. It is also a sham when these power plants are allowed to kill the water ways for their cooling needs.
19. I personally feel also that the PAO is a sham as it has come to my knowledge that they are the ones who wrote the guide lines for the public to participate and only as a Intervener if it is to be any meaningful participation.

20. In my participation and understanding, this whole operation is crooked and a sham. Everything about it all is a large conspiracy and I want no part of it.

21. Because of my health I am not as sharp as I would have been before my own chemical injury and I am sometimes not even a good representative to the public's concerns myself because I am easily distracted and the CEC in their process of hearings makes sure you are distracted by always interrupting you and etc. . Thus making it impossible for me to really bring forth all the concerns. I have time limits also which effect my concentration and in some cases depending on the levels of toxics in the area or building, my overall health.

22. Not even all the agenda issues for workshops were covered at the last 00-AFC-1 workshop and not all those such as the Fish and Game and needed biologists were even present. They were not properly covered in other proceedings also.

23. The Sitting Process - Practice and Procedure Guide, Third Edition, Pg. 117 A Expert Witness Must Be Qualified . It says:

Whenever the prepared testimony of a person is offered as the testimony of a expert witness, the witness should be qualified as an expert. To qualify the expert witness, a biography or resume including the educational background, qualifying experiences and a list of relevant circulated writings should be filed and served along with the prepared testimony.

In 98-AFC-3 I objected to the witness that Calpine used as a expert on the grounds that in health matters in both Worker's Comp. and Civil Law suites they use only MD's not BS degrees. Ph.D's are used in the Neuro psychological fields. A BS degree is not even acceptable to me as a expert. Calpine claimed they did not have to be experts in this process which was a lie, according to this booklet. The CEC uses Mechanical Engineers and Chemists as experts in health and air quality when it should be MD's in Toxicology in the fields of Xenobiotics and MD's in Environmental Medicine and a no less than that as health issues are at stake here for the populations not just one individual. In both Civil and Worker's Comp. they expect MD's for just one individual. This is where all the agencies fail that are suppose to be looking out for the welfare of the populations.

24. Also many of my documents were removed from the CEC web site and so were others. Also the CEC has the ability to scan a document and put on the web site in pdf format or whatever and they claim they do not do that to documents sent through the mail. This is not presenting the public with the true nature of the cases and causing crucial information being withheld from these cases on that web site. Again a crooked process. The only people that favors are the applicants.

25. The air testing required is not the true one that residence and populations are breathing and the modeling is not taking into consideration all the other sources that are polluting us.

26. One good toxic leak will cause people to be sensitive to even mild exposures of chemicals and this area already has many accidents from existing refineries and chemical companies. This is ignored.

27. The BAAQMD is just as bogus as the rest. I personally have called them on a few occasions and they never responded. People around here are use to no response and have learned to fend for themselves by running inside and closing up their house as soon as they smell chemicals. They do not bother calling any agencies anymore as it is a waste of time.

28. The process of calculating the health risks is even more bogus. Especially when the total body load effect is ignored and multiple chemical exposures is not calculated properly as has and is the case.
29. Also the fact that all the money that the City of Pittsburg will receive will be to the redevelopment funds which is not open to the public's discretion and can not be controlled by the public shows also that the City itself is not allowing the public any access to this. Who's on the PPC's board and how much do they have to make out of all this? And who is going to benefit afterwards from the Re-development funds? It sure is not the people. I will speak for myself. I have been living here for 11 years and my roads needed repaving when I moved in and they still are not repaved and have weeds growing up through the ground in the gutters. I do not see the benefits personally. Our water lines are busting all over the streets because they used substandard piping to begin with here. And they are passing ordinances that are telling us what we can and can not have in our driveways and on our property while the new elementary school we allowed in because of the promised park and paved ramps and basket ball courts and football field which is now weeds and fenced off so we have no access to it. This is the kind of Governmental agency we are suppose to trust here.
30. Last night the City of Pittsburg passed a agreement with Calpine to swindle out Southern's profits by using their new Pittsburg Power Company to force eminent domain on Southern's land. And they say Southern is the underhanded ones? I call that hypocrisy to the max.

Conclusion:

What a joke this has been on me and my involvement. I have learned my lesson out of all this. I learned that government does not work except to crush the innocent and poor and minorities. I wonder what good the Dollar bill is speaking about. It has the eye of the sphinxes on it. It sure is not the Only true Living Almighty God in heaven. I learned for sure who is really running the government. One who wants to see people suffer from chronic ailments and wants to see people die. One who cares nothing about children and elderly and their neighbors will being. The One who knows his time is short and is taking as many down to death as he can before it is at a end. I learned that this is just another instrument used to do so.

I still have not received data requests from 98-AFC-3. 98-AFC-1c is a lie. If they are going to increase fuel consumption by over 200% you can be sure they are going to produce more than 50 Mega Watts. If not then there is no need to allow them to expand or make those modifications. Period. 19 Mega watts is not worth it. 98-AFC-1 itself should never have been allowed as no real Environmental Justice studies were made. Same goes for 98-AFC-3. The CEC decides to cover their tail-ends with a new Environmental Justice Roundtable after we busted them on ignoring that fact. They even produced a document in 00-AFC-1 saying Pittsburg is 64% minority which makes it a EJ community and thus should have stopped any more pollution in this area, period. This agency the CEC is not for alternative energy and is not helping California to be on the cutting edge of Energy and technology if it is allowing fossil fuel consumption.

This whole process is a sham. Even the new rules overlooked the participants concerns and the majorities wishes. Now the CEC has declared themselves the equivalency of CEQA.

The PAO is not making it equal for the public. No where close. The public is not given their own attorneys to battle these large corporations and the same resources that the Applicants have at their disposal.

Give me a real reason why I should continue to participate in this case? There is none since it is rigged. I request data and at the last Workshop was told by Taun Ngo that they do not have to give me the data I requested. So what am I here for? It is so the agencies can say that someone in the public participated and roll over them anyway. It is all for their circus act.

I am tired of it and done with it. It is a waste of my time and a sham. It is a disgrace to the meaning of public participation.

I personally feel it is a large conspiracy and racketeering operation with people in the secular and governmental positions a part of it. Only the applicants benefit with astronomical profits, leaving the public in the cold paying double and triple the utility costs when if we were going to and are going to pay that much then only non-polluting energy should even be considered. We have a ocean with waves that go up and down creating push and suction for wind turbines. This never stops. We are wasting that natural resource of power generation. We have many less expensive options than this in that Natural Gas is a fossil fuel and pollutes and should never be allowed. It does add to the pollution, adding to the ill effects of the unhealthy air and the green house effects. It does cost more in health care than it is making and will only put that extra burden on the public and tax payers leaving the Applicant making a fortune off our ill health and weakened immune systems.

This has been a disgrace. It is a joke to have ever gotten involved with this in the first place. I do know that the public is not really in this picture here. Minorities have no true representative here. Anyone who stands against this process as I have only to have the truth twisted and minimized by the CEC itself when they made their final decision and said all I cared about was my health. What a joke. I got in this to help others not to have to help my problems. One of the reasons I am leaving is because of my health. If anything, being a part of this has cost me health wise. Stress is not good for anyone with a chronic illness, which I have. I am now relieving myself of this stress by leaving this bogus process for others to not get assisted with as I was not properly given the equal footing that the applicant has.

What a sham the public is being put through. What a waste of time. They already have to waste too much time beating this over congested traffic here, they do not have time for this farce. I do not have time and especially energy for this farce.

The attached documents to my e-mailed in submission are below:

Calpine selling to Mexico proof.pdf

Calpine selling to Canada proof.pdf

A handwritten signature in dark ink, reading "Joe Pat Lawrence". The signature is written in a cursive, flowing style. Below the name, there is a horizontal line with a small, stylized flourish or squiggle underneath it.

8-8-2000

Date

Signature

This REQUEST TO WITHDRAW 98-AFC-1C 98-AFC-3 & 00-AFC-1.doc is to be Docketed and put on all the sites and since I tried to stop 98-AFC-1 but was not informed in time to really participate I would like it put on that site also. It was slid quietly in like the rest of these with most of the public oblivious to the real dangers.

CALPINE POWER SERVICES COMPANY

ORDER No. EA-117

I. BACKGROUND

Exports of electric energy from the United States to a foreign country are regulated and require authorization under Section 202(e) of the Federal Power Act (FPA) (16 U.S.C. §824a(e)).

On July 1, 1996, Calpine Power Services Company (Calpine) applied to the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to transmit electric energy to Canada. Calpine is a power marketer which has been authorized by the Federal Energy Regulatory Commission (FERC) to make sales of electric power at wholesale in interstate commerce at negotiated rates. Calpine does not own or control any electric generating or transmission facilities, nor does it have a franchised service area.

Calpine proposes to purchase surplus electric energy from electric utilities and other suppliers and to export this energy on its own behalf to Canada. The energy to be exported would be delivered to Canada over the international electric transmission facilities owned and operated by the following:

Basin Electric Power Cooperative	Maine Public Service Company.
Bonneville Power Administration	Minnesota Power
Citizens Utilities Company	Minnkota Power Cooperative
The Detroit Edison Company	New York Power Authority
Eastern Maine Electric Cooperative	Niagara Mohawk Power Corp.
Joint Owners of the Highgate Project	Northern States Power Co.
Maine Electric Power Company	Vermont Electric Transmission Co.

Notice of this application appeared in the Federal Register on July 23, 1996 (61 FR 38190) requesting that comments, protests, and petitions to intervene be submitted to the DOE by August 22, 1996. None were received.

II. DISCUSSION and ANALYSIS

The authority requested of DOE by Calpine is a necessary condition for exporting under section 202(e) of the FPA. Calpine must make the necessary commercial arrangements, including obtaining all necessary transmission access required to wheel the exported energy to the foreign purchaser, and obtain any and all other regulatory approvals which may be required in order to effect the export. In considering Calpine's request for service, the transmitting utilities would have to assess the electric reliability impacts of moving the export through their system and,

presumably, would only provide service under terms and conditions that would not cause reliability problems on their system.

An export authorization under section 202(e) does not impose on transmitting utilities a requirement to provide service. DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in FERC's Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities). The actual rates, terms and conditions of transmission service shall be consistent with the non-discrimination principles of the FPA and the transmitting utility's Open Access Transmission Tariff on file with the FERC.

All recipients of export authorizations, including owners of border facilities for which Presidential permits have been issued, are required by their export authorization to conduct operations in accordance with the principles of the FPA and pertinent rules, regulations and orders, which include the comparable open access provisions of FERC Order No. 888. FERC concluded that the cross-border electric trade ought to be subject to the same principles of comparable open-access and non-discrimination that apply to transmission in interstate commerce. (Order On Complaint issued October 4, 1996 (Docket EL96-74-000)). It further concluded that DOE, not FERC, had the authority, under the FPA and by the Executive Order authorizing Presidential permits in the public interest, to require such service over the domestic portion of the international lines up to and crossing the border. DOE agrees with these conclusions.

On October 29, 1996, the Secretary of Energy signed Delegation Order No. 0204-163, which delegated and assigned to the FERC authority to carry out such functions vested in the Secretary to regulate access to, and the rates, terms and conditions for, transmission services over EPE facilities. This authority was delegated to FERC for the sole purpose of carrying out the Department's policy and, thus, authorized FERC to take any further actions that may be necessary to effectuate open access transmission over the United States portion of EPE's electric transmission lines. Notice and a copy of the Delegation Order were published in the Federal Register on November 1, 1996, at 61 FR 56525.

The Department's position is clear. International exports of electricity should be subject to the same principles of comparable open access and non-discrimination that apply to the domestic interstate transmission of electricity. Therefore, DOE expects owners of border facilities to comply with the above stated policy such that no further action by the Department will be required.

Before an electricity export authorization is granted, DOE must find that the proposed export will not impair the sufficiency of electric supply within the U.S. and that it will not impede the coordinated use of regional transmission facilities. DOE has always used a flexible approach in determining the information necessary to evaluate reliability impacts for specific export

proposals. In determining reliability impact for exports by power marketers or other entities operating in a similar manner, DOE has used a combination of established industry guidelines, operating procedures and/or infrastructure, as well as technical studies supporting authorizations issued for traditional entities operating at the border. Allowing these existing technical studies to suffice in this docket is sound and, thus, DOE need not perform additional reliability assessments here, provided the maximum rate of transmission for all exports through a border system does not exceed the previously authorized limit of the system.

However, this approach is applicable only for exports by marketers over international transmission facilities for which export authorizations have been issued and for which reliability studies have been performed. Several of the international transmission lines over which Calpine seeks export authority are owned and operated by the New York Power Authority (NYPA) and the Bonneville Power Administration (BPA).

As an instrumentality of the State of New York, NYPA is non-jurisdictional to section 202(e) of the FPA. Consequently, DOE never issued NYPA an export authorization or prepared a reliability assessment which could have been used to limit the instantaneous rate of transmission (power) for exports over NYPA's international transmission lines. Thus, in lieu of that, DOE is utilizing the information contained in the report entitled, "Load & Capacity Data, 1995 Report of the Member Electric Systems of the New York Power Pool." This report is prepared and filed with the New York Public Service Commission pursuant to section 6-106 of the Energy Law of New York State. It will be made part of the record in this proceeding and included in the public docket. Section IX of this report lists the transmission transfer capabilities between the New York Power Pool (NYPP)¹ and surrounding electric systems, including Hydro-Quebec and Ontario Hydro. Since all of the major transmission interconnections between NYPP and Ontario Hydro are operated in parallel, it is appropriate to consider a single export power limit for this "electrically logical" grouping of lines. Accordingly, the transfer capability between NYPP and Ontario Hydro (as identified in Section IX of the above report) has been used (paragraph B(13) of this Order) to limit the instantaneous transmission rate for exports by Calpine over all international transmission lines connecting the U.S. with Ontario Hydro. A separate limit (paragraph B(12) of this Order) has been assigned for exports over NYPA's 765-kV tie with Hydro-Quebec because of the asynchronous nature of that interconnection.

As a Federal agency, BPA also is non-jurisdictional to section 202(e) of the FPA. Consequently, BPA was never issued an export authorization which DOE could have used to set power limits for exports by Calpine over BPA's international transmission ties with Canada. However, DOE has obtained information from BPA on the transmission limits assigned to the two 500-kV and the two 230-kV lines connecting the BPA system with British Columbia Hydro and

¹ New York Power Pool is an association of NYPA and the seven major investor-owned electric utilities in New York State. NYPP dispatches power throughout New York State on a single-system basis and coordinates the development and operation of its members' production and transmission facilities.

West Kootenay Power for operation in the export mode. This information has been made a part of this Docket. It has been used by DOE in setting limits on the power to be exported by Calpine over these two BPA international transmission lines (paragraph B(14) of this Order).

Several of the earliest export authorizations issued still contain limits on the total amount of energy that can be exported by the recipients of those authorizations. DOE recognizes the potential inequity of retaining energy limits on certain exporters while currently authorizing marketers to export unlimited amounts of energy. DOE will address this issue in a future proceeding. Until that proceeding is completed, exports by power marketers will be constrained by the same energy limits contained in those early export authorizations. Furthermore, exports by power marketers will not reduce or be “charged against” those energy limits.

III. FINDING and DECISION

DOE has assessed the impact that the proposed export would have on the reliability of the U.S. electric power supply system. Based on the above discussion and analysis, DOE has determined that the export of electric energy to Canada as requested by Calpine would not impair the sufficiency of electric power supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities within the meaning of section 202(e) of the FPA.

DOE also has determined that this action is among those classes of actions not normally requiring preparation of an environmental assessment or an environmental impact statement and, therefore, is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.2 of the revised DOE Regulations implementing the National Environmental Policy Act of 1969. Documentation of the use of this categorical exclusion has been placed in this Docket.

IV. ORDER

Based on the above finding, it is hereby ordered that Calpine is authorized to export electric energy to Canada under the following terms and conditions:

(A) The electric energy exported by Calpine pursuant to this Order may be delivered to Canada only over the following existing international transmission facilities for which assessments of the transmission limits for operation in the export mode have been made:

<u>Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.</u>
Basin Electric Power Coop.	Tioga, ND	230-kV	PP-64
BPA	Blaine, WA Nelway, WA	2 - 500-kV 2 - 230-kV	PP-10 PP-36 & PP-46
Citizens Utilities	Derby Line, VT	120-kV	PP-66
Detroit Edison	St. Clair, MI Maryville, MI Detroit, MI St. Clair, MI	345-kV 230-kV 230-kV 345-kV	PP-38 PP-21 PP-21 PP-58
Eastern Maine Elect. Coop.	Calais, ME	69-kV	PP-32
Joint Owners of Highgate Project	Highgate, VT	345-kV	PP-82
Maine Electric Power Co.	Houlton, ME	345-kV	PP-43
Maine Public Service Co.	Limestone, ME Fort Fairfield, ME Arostock County, ME Madawaska, ME	69-kV 69-kV 138-kV 2 - 69-kV	PP-12 PP-12 PP-29 PP-29
Minnesota Power	International Falls, MN	115-kV	PP-78

<u>Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.</u>
Minnkota Power	Roseau County, MN	230-kV	PP-61
New York Power Authority	Massena, NY	765-kV	PP-56
	Massena, NY	2-230-kV	PP-25
	Niagara Falls, NY	2-345-kV	PP-74
	Devils Hole, NY	230-kV	PP-30
Niagara Mohawk Power Corp.	Devils Hole, NY	230-kV	PP-31
Northern States Power	Red River, ND	230-kV	PP-45
	Roseau County, MN	500-kV	PP-63
Vermont Electric Transmission Co.	Norton, VT	450-kV DC	PP-76

(B) Exports authorized herein shall not cause a violation of the terms and conditions contained in existing electricity export authorizations associated with the international transmission facilities identified in paragraph (A) above. Specifically:

(1) Exports by Calpine pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-64 (issued to Basin Electric Power Coop.) to exceed an instantaneous transmission rate of 150 MW. The gross amount of energy which Calpine may export over the PP-64 facilities shall not exceed 900,000 megawatt-hours (MWh) during any consecutive 12-month period.

(2) Exports by Calpine pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-66 (issued to Citizens Utilities) to exceed an instantaneous transmission rate of 50 megawatts (MW). The gross amount of energy which Calpine may export over the PP-66 facilities shall not exceed 50,000 MWh annually.

(3) Exports by Calpine pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permits PP-21, PP-38, and PP-58 (issued to Detroit Edison) to exceed a coincident, instantaneous transmission rate of 2.2 billion volt-amperes (2,200 MVA). The gross amount of energy which Calpine may export over the PP-21, PP-38, and PP-58 facilities shall not exceed 4,000,000 MWh annually.

(4) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-32 (issued to Eastern Maine Electric Coop.) to exceed an instantaneous transmission rate of 15 MW. The gross amount of energy which Calpine may export over the PP-32 facilities shall not exceed 7,500 MWh annually.

(5) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-82 (issued to the Joint Owners of the Highgate Project) to exceed an instantaneous transmission rate of 200 MW nor cause a violation of the following security constrained export limits:

<u>Vermont Total Load (MW)</u>	<u>Security Constrained Maximum Export (MW)</u>
1000	0
900	40
800	90
700	125
600	150
500	170

(6) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-43 (issued to Maine Electric Power Company) to exceed an instantaneous transmission rate of 500 MW.

(7) Exports by Calpine made pursuant to this Order shall not cause the total exports on the combination of facilities authorized by Presidential Permits PP-12 and PP-29 (issued to Maine Public Service Company) to exceed a coincident, instantaneous transmission rate of 9.8 MW. The gross amount of energy which Calpine may export over a combination of the PP-12 and PP-29 facilities shall not exceed 40,000 MWh annually.

(8) Exports by Calpine made pursuant to this Order shall not cause total exports on the facilities authorized by Presidential Permit PP-78-1 (issued to Minnesota Power and Light Company) to exceed an instantaneous transmission rate of 100 MW. Exports by Calpine may cause total exports on the PP-78-1 facilities to exceed 100 MW only when total exports between the Mid-Continent Area Power Pool (MAPP) and Manitoba Hydro are below maximum transfer limits and/or whenever operating conditions within the MAPP system permit exports on the PP-78-1 facilities above the 100-MW level without violating established MAPP reliability criteria. However, under no circumstances shall exports by Calpine cause total exports on the PP-78-1 facilities to exceed 150 MW.

(9) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-61 (issued to Minnkota Power) to

exceed an instantaneous transmission rate of 350 MW. The gross amount of energy which Calpine may export over the PP-61 facilities shall not exceed 3,000,000 MWh annually.

(10) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-63-4 (issued to Northern States Power) to exceed an instantaneous transmission rate of 500 MW.

(11) Exports by Calpine made pursuant to this Order shall not cause a violation of the following conditions as they apply to exports over the \pm 450-kV direct current transmission line authorized by Presidential Permit PP-76², as amended by PP-76A:

NEPOOL		
<u>Exports Through</u>	<u>Load Condition</u>	<u>Export Limit</u>
Comerford converter	Summer, Heavy	650 MW
Comerford converter	Winter, Heavy	660 MW
Comerford converter	Summer, Light	690 MW
Comerford converter	Winter, Light	690 MW
Comerford & Sandy Pond converters	All	2,000 MW

(12) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permit PP-56 (issued to NYPA) to exceed an instantaneous transmission rate of 1000 MW.

(13) Exports by Calpine made pursuant to this Order shall not cause the total exports on the facilities authorized by Presidential Permits PP-25, PP-30, PP-31 and PP-74 (issued to NYPA and Niagara Mohawk) to exceed a combined instantaneous transmission rate of 550 MW.

(14) Exports by Calpine pursuant to this Order shall not cause total exports on the two 500-kV lines authorized by Presidential Permit PP-10, the 230-kV line authorized by Presidential Permit PP-36, and the 230 kV line authorized by Presidential Permit PP-46 (issued to BPA) to exceed the following limits:

²The Presidential permit for the facilities in PP-76 was issued to Vermont Electric Transmission Company, the electricity export authorization associated with the transmission line was issued in FE Order EA-76-C to New England Power Pool (NEPOOL).

<u>Condition</u>	PP-36 & PP-46	PP-10	Total Export
	<u>Limit</u>	<u>Limit</u>	<u>Limit</u>
All lines in service	400 MW	1500 MW	1900 MW
1-500 kV line out	400 MW	300 MW	700 MW
2-500 kV lines out	400 MW	0 MW	400 MW
1-230 kV line out	400 MW	1500 MW	1900 MW
2-230 kV lines out	0 MW	1500 MW	1500 MW

(C) Amendment of the export authorizations from which the export limits contained in subparagraphs B(1) through B(11) were derived will result in a concomitant change to the export limits contained in those subparagraphs. Any request by Calpine for changes to the exports limits contained in subparagraphs B(12), B(13) and B(14) will be considered by DOE after submission by Calpine of appropriate information demonstrating a change in the transmission transfer capability between NYPA and Ontario Hydro, NYPA and Hydro-Quebec, BPA and BC Hydro, or BPA and West Kootenay Power.

(D) Calpine may commence exports only over those international transmission lines identified in paragraph (A) for which Calpine provides DOE written evidence that sufficient transmission service has been obtained for delivery of the exported energy to the border. This evidence can consist of signed letters of agreement for the service between Calpine and each Presidential permit holder and should identify specific facilities by name and Presidential permit number.

(E) In scheduling the delivery of electricity exports to Canada, Calpine shall comply with all reliability criteria, standards, and guides of the North American Electric Reliability Council and Regional Councils, on such terms as expressed therein, and as such criteria, standards, and guides may be amended from time to time.

(F) Calpine shall conduct all operations pursuant to the authorization hereby granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations, and orders adopted or issued thereunder, including the comparable open access provisions of FERC Order No. 888.

(G) The authorization herein granted may be modified from time to time or terminated by further order of the DOE, but in no event shall such authorization extend beyond the date of termination or expiration of the Presidential permits referred to in paragraph (A).

(H) This authorization shall be without prejudice to the authority of any State or State regulatory commission for the exercise of any lawful authority vested in such State or State regulatory commission.

(I) Calpine shall make and preserve full and complete records with respect to the electric energy exported to Canada. Calpine shall furnish quarterly reports to the DOE, within 30 days following each calendar quarter, detailing for each month of the previous quarter: (1) the gross amount of electricity delivered, in kilowatt hours; (2) the consideration received for such energy; and (3) the maximum hourly rate of transmission, in kilowatts.

Reports shall be submitted to the U.S. Department of Energy, Office of Fossil Energy, FE-52, 1000 Independence Avenue, SW, Washington, D.C. 20585-0305. Properly identified quarterly reports will also be accepted via facsimile at (202) 287-5736 to meet time requirements, but original copies should still be filed at the above address.

(J) In accordance with 10 C.F.R. §205.305, this authorization is not transferable or assignable, except in the event of the involuntary transfer of this authority by operation of law. Provided written notice of the involuntary transfer is given DOE within 30 days, this authorization shall continue in effect temporarily. This continuance also is contingent on the filing of an application for permanent authorization within 60 days of the involuntary transfer and the authorization shall then remain effective until a decision is made on the new application. In the event of a proposed voluntary transfer of this authority to export electricity, the transferee and the transferor shall file jointly an application for a new export authorization, together with a statement of reasons for the transfer.

(K) Exports authorized herein shall be reduced or suspended, as appropriate, whenever a continuation of those exports would impair or tend to impair the reliability of the U.S. electric power supply system.

(L) This authorization shall be effective for a period of two years from the date of this Order. Within six months prior to the expiration of this authorization, Calpine may reapply for renewal of this two-year authorization or request a period of time longer than the two-year period.

Issued in Washington, D.C., on April 4, 1997.

Anthony J. Como
Director, Electric Power Regulation
Office of Coal & Power Im/Ex
Office of Coal & Power Systems
Office of Fossil Energy

CALPINE POWER SERVICES COMPANY

ORDER No. EA-116

I. BACKGROUND

Exports of electric energy from the United States to a foreign country are regulated and require authorization under Section 202(e) of the Federal Power Act (FPA) (16 U.S.C. §824a(e)).

On July 1, 1996, Calpine Power Services Company (Calpine) applied to the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to transmit electric energy to Mexico. Calpine is a power marketer which has been authorized by the Federal Energy Regulatory Commission (FERC) to make sales of electric power at wholesale in interstate commerce, at negotiated rates. Calpine does not own or control any electric generating or transmission facilities, nor does it have a franchised service area.

Calpine proposes to purchase surplus electric energy from electric utilities and to export this energy on its own behalf to Mexico. The energy to be exported would be delivered to Mexico over the international electric transmission facilities owned and operated by Comision Federal de Electricidad (CFE, the national electric utility of Mexico), Central Power & Light Company (CPL), El Paso Electric Company (EPE), and San Diego Gas & Electric (SDG&E).

Notice of this application appeared in the Federal Register on July 22, 1996, (61 FR 38190) requesting that comments, protests, and petitions to intervene be submitted to the DOE by August 23, 1996. None were received.

II. ANALYSIS

The authority requested of DOE by Calpine under section 202(e) of the FPA is a necessary condition for exporting. However, even with this grant of authority, Calpine must still make the necessary commercial arrangements and obtain any and all other regulatory approvals which may be required in order to effect the export, including obtaining all necessary transmission access required to wheel the exported energy to the foreign purchaser. In order to obtain sufficient transmission access to wheel the electricity to the border, Calpine must come to terms with the affected transmission systems and obtain any necessary regulatory approvals. In considering Calpine's request, the transmission systems would have to assess the reliability impacts of moving the export through their systems and, presumably, would only agree to provide service under terms and conditions that would not cause reliability problems on their own systems.

The issues related to authorizing exports of electricity by power marketers has been thoroughly addressed by DOE in several previous orders covering exports to Canada and Mexico through border facilities both jurisdictional and non-jurisdictional to the FPA.¹ DOE believes that the analysis of the issues in those other power marketer dockets would be equally applicable here to Calpine and, for the most part, does not need to be repeated here.

Before an electricity export authorization is granted, DOE must find that the proposed export will not impair the sufficiency of electric supply within the U.S. and that it will not impede the coordinated use of regional transmission facilities. DOE has always used a flexible approach in determining the information necessary to evaluate reliability impacts for specific export proposals. In determining reliability impact for exports by power marketers, DOE has used a combination of established industry guidelines, operating procedures and/or infrastructure, as well as technical studies supporting authorizations issued for traditional entities operating at the border. Allowing these existing technical studies to suffice in this docket is sound and, thus, DOE need not perform additional reliability assessments here, provided the maximum rate of transmission for all exports through a border system does not exceed the previously authorized limit of the system.

DOE recognizes that the participation of power marketers in the international electric energy marketplace is a new phenomenon and that the transactions envisioned by these entities are less structured than those of “traditional” electric utilities. Therefore, DOE will for the foreseeable future continue to limit all initial export authorizations issued to power marketers to two years in length and require quarterly reporting of energy transactions at the borders.

During the term of this Order, notice will be provided to the parties of any amendments to existing export authorizations that would impact on this Order.

III. FINDING AND DECISION

Because Calpine has no native load obligations usually associated with a franchised service area, and because the electric power purchased by Calpine for export to Mexico would be surplus to the needs of the electric utilities selling the power to Calpine, DOE finds that such exports by Calpine would not impair the sufficiency of electric supply within the United States. Furthermore, based on the analysis above, DOE finds that the proposed export, as conditioned and limited herein, would not impede or tend to impede the coordinated use of transmission facilities within the meaning of section 202(e) of the FPA.

DOE also has assessed the potential environmental impacts associated with the authorizing of the proposed export and has determined that this action is among those classes of actions not

¹ The list of power marketers that have previously been issued electricity export authorizations includes, but is not limited to the following: FE Orders EA-102 (Enron, for exports to Mexico), EA-103 (North American Energy Conservation), EA-105-MX and EA-105-CN (NorAm), EA-110 (CNG), EA-112 (USGenerating), EA-113 (Destec), and EA-114 (MidCon Power).

normally requiring preparation of an environmental assessment or an environmental impact statement and, therefore, is eligible for categorical exclusion under Appendix B to Subpart D, paragraph B4.2 of the revised DOE Regulations implementing the National Environmental Policy Act of 1969. Documentation of the use of this categorical exclusion has been placed in this Docket.

IV. ORDER

Based on the above finding, it is hereby ordered that Calpine is authorized to export electric energy to Mexico under the following terms and conditions:

(A) The electric energy exported by Calpine pursuant to this Order may be delivered to Mexico only over the following existing international transmission facilities for which assessments of the transmission limits for operation in the export mode have been made:

<u>Owner</u>	<u>Location</u>	<u>Voltage</u>	<u>Presidential Permit No.²</u>
San Diego Gas & Electric	Miguel, CA	230 kV	PP-68
	Imperial Valley, CA	230 kV	PP-79
El Paso Electric Company	Diablo, NM	115 kV	PP-92
	Ascarate, TX	115 kV	PP-48
Central Power & Light Company	Brownsville, TX	138 kV	PP-94
		69 kV	
Comision Federal de Electricidad	Eagle Pass, TX	138 kV	PP-50
	Laredo, TX	138 kV	PP-57
	Falcon Dam, TX	138 kV	None

(B) Exports authorized herein shall not cause a violation of the following terms and conditions contained in existing electricity export authorizations associated with the international transmission facilities identified in paragraph (A). Specifically:

(1) Exports by Calpine pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permits PP-68 and PP-79 to exceed an instantaneous transmission rate of 400 megawatts (MW).

²Permit numbers referred to in this Order include any subsequent amendments to the initial base permit.

(2) Exports made by Calpine pursuant to this Order shall not cause the total exports on a combination of the facilities authorized by Presidential Permits PP-48 and PP-92 to exceed an instantaneous transmission rate of 200 MW.

(3) Exports by Calpine shall not cause the total exports on a combination of the 138-kV facilities at the Falcon Dam and the facilities authorized by Presidential Permits PP-50, PP-57, and PP-94 to exceed an instantaneous transmission rate of 600 MW during those times when the CPL system is at a minimum load condition. During all other load conditions on the CPL system, exports by Calpine over the facilities identified in this subparagraph shall not cause the maximum rate of transmission to exceed:

(a) 300 MW for the 138 kV and 69 kV facilities authorized by Presidential Permit PP-94; or,

(b) 50 MW total for the 138 kV facilities at Falcon Dam and those authorized by Presidential Permits PP-50 and PP-57.

(C) Amendment of the export authorizations from which the export limits contained in subparagraphs B(1) through B(3) above were derived will result in a concomitant change to the export limits contained in those subparagraphs.

(D) Calpine may commence exports only over those international transmission lines identified in paragraph (A) for which Calpine provides DOE written evidence that sufficient transmission service has been obtained for delivery of the exported energy to the border. This evidence can consist of signed letters of agreement for the service between Calpine and each Presidential permit holder and should identify specific facilities by name and Presidential permit number.

(E) In scheduling the delivery of electricity exports to Mexico, Calpine shall comply with all reliability criteria, standards, and guides of the North American Electric Reliability Council and Regional Councils, on such terms as expressed therein, and as such criteria, standards, and guides may be amended from time to time.

(F) Calpine shall conduct all operations pursuant to the authorization hereby granted in accordance with the provisions of the FPA and pertinent rules, regulations, and orders adopted or issued by the DOE.

(G) The authorization herein granted may be modified from time to time or terminated by further order of the DOE, but in no event shall such authorization extend beyond the date of termination or expiration of the Presidential permits referred to in paragraph (A) above.

(H) This authorization shall be effective for a period of two years from the date of this Order. Within six months prior to the expiration of this authorization, Calpine may reapply for renewal of this two-year authorization or request a period of time longer than the two-year period.

(I) This authorization shall be without prejudice to the authority of any State or State regulatory commission for the exercise of any lawful authority vested in such State or State regulatory commission.

(J) Calpine shall make and preserve full and complete records with respect to the electric energy exported to Mexico. Calpine shall furnish quarterly reports to the DOE, within 30 days following each calendar quarter, showing the gross amount of electricity delivered and the consideration received during each month of the previous quarter, and the maximum hourly rate of transmission.

Quarterly reports shall be submitted to the U.S. Department of Energy, Office of Fossil Energy, FE-52, 1000 Independence Avenue, SW, Washington, D.C. 20585-0305. Properly identified quarterly reports will also be accepted via facsimile at (202) 287-5736 to meet time requirements, but original copies should still be filed at the above address.

(K) In accordance with 10 C.F.R. §205.305, this authorization is not transferable or assignable, except in the event of the involuntary transfer of this authority by operation of law. Provided written notice of the involuntary transfer is given DOE within 30 days, this authorization shall continue in effect temporarily. This continuance also is contingent on the filing of an application for permanent authorization within 60 days of the involuntary transfer and the authorization shall then remain effective until a decision is made on the new application. In the event of a proposed voluntary transfer of this authority to export electricity, the transferee and the transferor shall file jointly an application for a new export authorization, together with a statement of reasons for the transfer.

(L) Exports authorized herein shall be reduced or suspended, as appropriate, whenever a continuation of those exports would impair or tend to impair the reliability of the U.S. electric power supply system.

Issued in Washington, D.C., on October 8, 1996.

Anthony J. Como
Director
Office of Coal & Electricity
Office of Fuels Programs
Office of Fossil Energy